



PUBLIC NOTICE

Federal Communications Commission
445 12th St., S.W.
Washington, D.C. 20554

News Media Information 202 / 418-0500
Fax-On-Demand 202 / 418-2830
TTY 202 / 418-2555
Internet: <http://www.fcc.gov>
<ftp.fcc.gov>

DA 05-45
January 10, 2005

FCC ANNOUNCES ENHANCEMENTS TO TOWER CONSTRUCTION NOTIFICATION SYSTEM TO PROVIDE ADDITIONAL TOOLS TO INDIAN TRIBES, NATIVE HAWAIIAN ORGANIZATIONS, AND STATE HISTORIC PRESERVATION OFFICERS

The Federal Communications Commission announces the implementation of several enhancements to the Tower Construction Notification System (TCNS) that was introduced in February 2004. The TCNS is a voluntary system to facilitate private tower constructors' identification of and early communication with federally-recognized Indian Tribes, including Alaska Native Villages (collectively "Tribes"), Native Hawaiian Organizations (NHOs), and State Historic Preservation Officers (SHPOs) regarding the proposed construction of towers and other Commission undertakings in the context of reviews required under Section 106 of the National Historic Preservation Act.

The latest enhancements to TCNS allow Tribes, NHOs and SHPOs to more narrowly specify their areas of concern. This enhancement will benefit tower constructors, Tribes, NHOs and SHPOs alike by eliminating unnecessary communications and waiting periods, while preserving the right of Tribes, NHOs, and SHPOs to receive notice of and to communicate regarding all proposed constructions of potential concern to them. Additionally, Tribes, NHOs, and SHPOs can now copy themselves and the Commission with messages they send to tower constructors when using TCNS.

By way of background, the TCNS is an interactive, login and password-protected system that depends on information voluntarily provided by Tribes, NHOs, SHPOs and by entities proposing to construct towers. On a global basis, Tribes, NHOs and SHPOs enter into the system geographic areas in which they are interested in receiving notices, as well as the means by which they prefer to receive notice (electronic mail and/or regular mail) and their contact information. Entities proposing to construct towers then enter case-by-case information about the sites where they propose to construct facilities and the types of facilities they propose to construct. The TCNS automatically forwards these notifications to Tribes, NHOs, and SHPOs that have expressed an interest in the relevant geographic area. The TCNS also provides Tribes, NHOs, and SHPOs with the means to respond to notifications and with search utilities.

The Commission developed the TCNS in consultation with federally-recognized Tribes and other stakeholders. Over the past several months, the Commission has consulted with several tribal historic preservation and inter-tribal organizations regarding TCNS. During the

course of ongoing consultation regarding proposed historic preservation regulations and “Best Practices,” the Commission received valuable input from Tribes and other interested parties relating to possible enhancements to TCNS. We are pleased that we were able to implement many of the changes that were suggested to us.

One of the new enhancements to TCNS enables Tribes, NHOs and SHPOs to specify geographic areas or types of tower construction within their designated regions which they are NOT interested in reviewing. For example, some Tribes or NHOs may not be interested in reviewing proposals for towers that are to be constructed along highway rights-of-way built after a certain date. Prior to this enhancement, Tribes, NHOs or SHPOs could only specify regions by state or by county, or by radius from a geographic point, for which they wished to receive notifications. The Commission has now added a field that allows Tribes, NHOs and SHPOs to provide exclusionary text, thereby further narrowing their areas of interest. Tower builders should not expect a response to notifications for proposed construction that fits within such exclusionary text.

Another new enhancement is a record-keeping tool that allows Tribes, NHOs and SHPOs to copy themselves and/or to copy the Commission with any messages that they send to tower constructors through TCNS. If Tribes, NHOs or SHPOs wish to send an informational copy of their message to the Commission, there is now a drop-down box that allows them to make this request by simply placing an “x” in the “[s]end an informational copy of this message to the FCC” box. If Tribes, NHOs or SHPOs wish to send a copy of their message back to themselves, there is now a drop-down box that allows them to make this request by simply placing an “x” in the “[s]end a copy of this message to yourself” box.

As we have done in the past, we emphasize that the TCNS is a tool to facilitate Section 106 communications. The TCNS is NOT to be used in place of Section 106 consultation, or for any otherwise illegal or improper search for Tribal traditional cultural properties.

For further information, please consult the Commission’s web page dedicated to this program (<http://wireless.fcc.gov/outreach/notification/index.html>), also accessible through the Commission’s Tribal homepage (<http://www.fcc.gov/indians>). The Commission encourages feedback from users of the TCNS to improve and refine the system as it is implemented. To provide comments or to make inquiries, please contact any of the following:

Anne Marie Wypijewski:	(717) 338-2508, annemarie.wypijewski@fcc.gov
Diane Leer:	(717) 338-2568, diane.leer@fcc.gov
Geoffrey Blackwell:	(202) 418-8192, geoffrey.blackwell@fcc.gov